

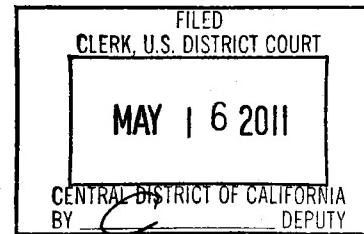
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13                   **UNITED STATES DISTRICT COURT**  
14                   **CENTRAL DISTRICT OF CALIFORNIA**  
15                   **WESTERN DIVISION**

16  
17 AUTHENEX, INC., a Delaware  
corporation,

18                   Plaintiff,

19                   v.

20                   EMC CORPORATION, a  
21                   Massachusetts corporation,

22                   Defendant.

23                   Case No. CV 10-1251 MRP (VBKx)

24                   **[PROPOSED] FINAL JUDGMENT**

25                   Judge : Hon. Marianna R. Pfaelzer

26                   Hearing Date: May 9, 2011

27                   Time: 11:00 a.m.

28                   Courtroom: 12

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#:4960

1 Plaintiff Authenex, Inc. ("Authenex") has accused defendant EMC  
2 Corporation ("EMC") of infringing United States Patent No. 7,519,989 (the "'989  
3 Patent"). On October 7, 2010, this Court issued its Claim Construction Order  
4 (docket no. 78) construing various terms of the '989 Patent. EMC subsequently  
5 moved for summary judgment of non-infringement of all asserted claims based on  
6 the Court's claim construction (docket no. 88). On February 16, 2011, the Court  
7 granted EMC's motion for summary judgment on the grounds that the accused  
8 product does not practice the "display portion," "body portion" and "alphanumeric  
9 characters" limitations of the '989 Patent (docket no. 153).

10 As set forth in the Court's Order granting EMC's motion, under the Court's  
11 claim constructions Authenex cannot prove that EMC's devices infringe any of the  
12 asserted claims – directly or indirectly, literally or under the doctrine of equivalents  
13 – because EMC's accused products do not include a "body portion" and "display  
14 portion" and do not display "alphanumeric characters."

15 Accordingly, EMC is entitled to final judgment of non-infringement and such  
16 final judgment of non-infringement is hereby entered in favor of EMC and against  
17 Authenex on Authenex's claims of infringement of the '989 Patent and on EMC's  
18 counterclaim for declaratory judgment of non-infringement of the '989 Patent.  
19 Additionally, costs are hereby awarded to EMC as the prevailing party.

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21 **IT IS SO ORDERED.**

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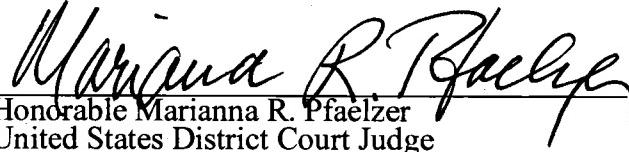
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Dated: May 16, 2011

  
Honorable Marianna R. Pfaelzer  
United States District Court Judge